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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,838	05/14/2001	Daniel Brown	00522CIP/LH	8339
1933	7590	06/15/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			CORRIELUS, JEAN M	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/854,838	BROWN ET AL.
	Examiner	Art Unit
	Jean M Corrielus	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 7, 8, 13, 14, 20, 21, 26, 27, 33, 34, 39, 40, 41, 42, 44-46, 48, 49, 50, 52-57 is/are rejected.
- 7) Claim(s) 2-6,9-12,15-19,22-25,28-32,35-38,43,47 and 51 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the election of the restriction requirement filed on March 24, 2005, in which claims 1-57 are elected for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on February 13, 2005 and January 13, 2001 complies with the provisions of M.P.E.P 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

Drawings

3. Applicants are required to furnish the formal drawings in response to this office action if the formal drawings have not been submitted. No new matter may be introduced in the required drawings. Failure to timely submit a drawing will result in ABANDONMENT of the application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

Art Unit: 2162

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 7, 8, 1, 14, 20, 21, 26, 27, 33, 34, 39, 40-42, 44-46, 48-50 and 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wical US Patent no. 6,460,034 and Renz US Patent no. 6,038,527.

As to claims 1, 14, 27, 44, 48, Wical discloses the claimed "identifying means for identifying semantic content bearing lexical units in data representing the text to be classified" (col. 1, lines 60-65; col. 2, lines 28-35, lines 62-65; col. 4, lines 8-10; col. 5, lines 54-57; col. 6, lines 3-5; col. 9, lines 44-47); and "classification data determining means for determining classification as a score for the text to be classified with respect to each of a plurality of qualities by comparing the determined sequences of the identified lexical units with stored sequences of lexical units for training texts having scores associated therewith for a plurality of qualities" (col. 1, lines 60-65; col. 2, lines 28-35, lines 62-65; col. 4, lines 8-10; col. 5, lines 54-57; col. 6, lines 3-5; col. 9, lines 44-47). However, Wical does not explicitly disclose the use of determining sequences of the identified lexical units. Renz, on the other hand discloses a system for automatically generating descriptors for the classification of texts provides a breakdown of more complex word forms by way of matching with the entirety of word forms occurring within a compilation of training texts. In particular, Renz discloses the claimed "sequence determining means for determining sequences of the identified lexical units (col. 1, lines 50-58; col. 2, lines 60-66; col. 3, lines 41-64; col. 4, lines 1-22, lines 28-34, lines 55-65; col. 5, lines 28-35). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the classification system provided therein, (see Wical's fig.1) would incorporate the use of determining sequences of the identified lexical units, in the conventional manner as disclosed by Renz. One having ordinary skill in the art would have found it motivated to utilize such a combination in order to automatically classify text documents based on the frequency and relationship of words.

As to claims 7, 20, 33, 41, 49, Renz discloses the claimed "wherein said at least one sequence of lexical units, includes a single semantic content bearing lexical unit" (col.1, lines 50-58; col.2, lines 60-66; col.3, lines 41-64; col.4, lines 1-22, lines 28-34, lines 55-65; col.5, lines 28-35).

As to claims 8, 21, 34, 42, Wical discloses the claimed "wherein said identifying means is adapted to identify semantic content bearing lexical units by rejecting common words, and to stem words to provide the semantic content bearing lexical units as word stems" (col.1, lines 60-65; col.2, lines 28-35, lines 62-65; col.4, lines 8-10; col.5, lines 54-57; col.6, lines 3-5; col.9, lines 44-47).

As to claims 13, 26, 39, 45-46, Renz discloses the claimed "wherein said classification data determining means is adapted to determine the scores for the text to be classified by attaching more weight to comparison of longer sequences of lexical units than to shorter sequences of lexical units" (col.1, lines 50-58; col.2, lines 60-66; col.3, lines 41-64; col.4, lines 1-22, lines 28-34, lines 55-65; col.5, lines 28-35).

As to claim 52-57, Wical discloses the claimed "selecting a quality having the highest score" (col.1, lines 60-65; col.2, lines 28-35, lines 62-65; col.4, lines 8-10; col.5, lines 54-57; col.6, lines 3-5; col.9, lines 44-47).

Allowable Subject Matter

7. Claims 2-6, 9-12, 15-19, 22-25, 28-32, 35-38, 43, 47 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2162

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M Corrielus
Primary Examiner
Art Unit 2162

June 13, 2005